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4		9	
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2 of 3

RETURN THE SAME DAY.

3. DISCUSSION FOLLOWS OF DEPARTMENT'S SPECIFIC INQUIRIES:

A. PRIOR TO 1959 CUBAN FISHERMEN TRADITIONALLY FISHED AROUND SOUTHWESTERN BAHAMIAN ISLANDS, PRINCIPALLY AROUND CAY SAL, CAY LOBOS AND COCHINOS BANKS. AFTER 1959 CUBAN FISHING FLEET APPEARS TO HAVE BEEN WITHDRAWN FROM THIS AREA AND FROM ENTIRE NORTHERN CUBAN COAST, PROBABLY TO DISCOURAGE DEFECTORS. REPORTEDLY ONLY DURING PAST TWO TO THREE YEARS HAVE CUBAN FISHERMEN BEGUN TO APPEAR FREQUENTLY AGAIN. SEVERAL OF THE CUBAN-AMERICAN FISHERMEN APPREHENDED BY THE BAHAMIANS HAVE TESTIFIED IN COURT THAT OVER 20 YEARS AGO WHILE STILL LIVING IN CUBA THEY HAD FIRST FISHED IN AREAS AS FAR FROM CUBA AS ANDROS AND THE CROOKED ISLANDS. ACCORDING TO FORMER DEPUTY GOVERNOR STRONGEST REASON GOBI INCLUDED SECTION 17 IN FISHERIES ACT WAS BECAUSE OF TRADITIONAL CUBAN FISHERY IN SOME OF THE ISLANDS. SECTION 17 IMPLIES THAT CLAIMS FOR TRADITIONAL FISHING MUST BE MADE FOR SPECIFIC AREAS AND FOR SPECIFIC TYPES OF FISH. THE CUBAN CLAIM WOULD SEEM TO BE STRONG FOR THE CAY SAL, CAY LOBOS AND COCHINOS BANKS AREAS, BUT PROBABLY ONLY FOR SCALEFISH AND NOT FOR CRAWFISH SINCE LITTLE EVIDENCE OF A SUBSTANTIAL CUBAN CRAWFISH CATCH PRIOR TO 1959.

B. US CASE BASED PRINCIPALLY ON FACT THAT ITS FISHERMEN HAD DEVELOPED A MARKET FOR AND AN ECONOMIC INTEREST IN BAHAMIAN LOBSTER FISHERY OF AT LEAST TEN YEARS' STANDING WHICH WAS DAMAGED BY THE GOBI'S UNILATERAL EXTENSION OF ITS EXCLUSIVE FISHERIES ZONE FROM 3 TO 12 MILES. GOBI REJECTED US CLAIM ON LEGALISTIC (AS OPPOSED TO ECONOMIC) BASIS THAT US FISHERY NOT TRADITIONAL, I.E. IT HAD NOT EXTENDED OVER LONG PERIOD OF TIME. CUBAN FISHERY IN BAHAMAS, EXCEPT FOR THE BREAK AFTER 1959, WOULD APPEAR TO FIT THE GOBI UNDERSTANDING OF TRADITIONAL FISHING.

C. PM REPORTEDLY STATED THAT EXISTENCE OF SECTION 17 OBLIGED THE GOBI TO TALK TO ANY GOVERNMENT WISHING TO MAKE A CLAIM. ALTHOUGH THE CUBAN CLAIM IS NOT SUBSTANTIAL FROM THE POINT OF VIEW OF AN EXISTING ECONOMIC DEPENDENCY, IT APPEARS STRONG FROM THE GOBI'S LEGALISTIC "TRADITIONAL" FISHING VIEWPOINT. THE GOBI IS IN A NATIONALISTIC PERIOD

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MEXICO CITY FOR REGIONAL FISHERIES ATTACHE

CCGD SEVEN PLS PASS OFFICE OF CUBAN COORDINATOR

SUBJ: CUBAN CLAIM TO TRADITIONAL FISHING RIGHTS IN BAHAMAS

REF: STATE 232510

1. SUMMARY: CUBA HAS NOT PRESENTED ANY DETAILS OF ITS CLAIM. GOBI HAS SUGGESTED ONE-DAY MEETING IN NASSAU JAN 20 OR 27, BUT CUBA HAS NOT REPLIED. CUBAN CLAIM SEEMS STRONG FOR CAY SAL, CAY LOBOS AND COCHINOS BANKS AREAS, BUT GOBI MAY TRY TO AVOID GRANTING CONCESSIONS TO CUBA UNLESS UNDER A FOREIGN COMMERCIAL FISHING LICENSE SYSTEM OPEN TO US FISHERMEN AS WELL. CONGEN DOES NOT RPT NOT RECOMMEND RAISING SUBJECT WITH THE GOBI UNTIL US OFFICIALLY INFORMED OF CUBAN APPROACH OR MATTER BECOMES PUBLIC.

2. TO DATE CUBA HAS ONLY REQUESTED OF BAHAMAS GOVERNMENT AN OPPORTUNITY TO SUBSTANTIATE A CLAIM TO TRADITIONAL FISHING IN BAHAMIAN WATERS UNDER SECTION 17 OF THE BAHAMAS FISHERIES ACT 1969; IT HAS NOT PRESENTED ANY DETAILS OF ITS CLAIM. GOBI HAS OFFERED TWO DATES, JANUARY 20 OR 27, FOR A SMALL DELEGATION OF CUBAN OFFICIALS TO COME TO NASSAU. IT IS ALREADY AGREED THAT THEY WILL TRAVEL ON A CUBAN PLANE. GOBI HOPES THE DELEGATION WILL ARRIVE AND

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4		9	
5		10	

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3 of 3

WHEN IT IS SEEKING WAYS TO DEMONSTRATE TO THE ELECTORATE ITS INDEPENDENCE AND IT MIGHT GRANT CUBA RIGHTS TO FISH DESIGNATED SPECIES IN LIMITED AREAS. HOWEVER, IT IS ALSO VERY SENSITIVE ABOUT ANY RELATIONS WITH CUBA AND THE DANGERS OF COMMUNISM BOTH INTERNALLY AND IN THE IMPACT ON ITS US TOURIST TRADE. IN ADDITION, THE BAHAMAS WOULD CLEARLY PREFER NO COMPETITIVE FISHERMEN WITHIN ITS 12-MILE ZONE AND CAN THEREFORE PROBABLY BE EXPECTED TO AVOID GRANTING CUBA ANYTHING VERY SUBSTANTIAL. ON BALANCE, THE MOST LIKELY OUTCOME WOULD APPEAR TO BE THAT IF THE BAHAMAS WERE TO ADOPT A COMMERCIAL FISHING LICENSE SYSTEM SUCH AS THE US HAS PROPOSED, CUBAN FISHERMEN MIGHT BE OFFERED THE OPPORTUNITY TO PURCHASE LICENSES ON THE SAME TERMS AS AMERICAN FISHERMEN. HOWEVER, US VIEWS, IF PROPERLY PRESENTED AT THE APPROPRIATE TIME, COULD PROVE THE DECISIVE FACTOR IN THE GOBI'S DECISION.

D. NO INFORMATION YET AVAILABLE.

E. THE CONGEN HAS NOT YET BEEN OFFICIALLY OR UNOFFICIALLY INFORMED OF THE CUBAN APPROACH BY THE GOBI, AND IT WOULD EMBARRASS GOVERNMENT HOUSE TO VOLUNTEER ANY OBSERVATIONS UNTIL WE ARE INFORMED OR THE MATTER BECOMES PUBLIC.

F. NO INFORMATION AVAILABLE.

4. COMMENTS FOLLOW SEPTTEL. GP-3.SPEAR

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